

**REMARKS**

In the ***non-final*** Office Action of December 21, 2009 the Office noted that claims 1-6 and 8-21 were pending and rejected claims 1-6 and 8-21. In this amendment claim 1, 3, 5, 11, 16, 18, 19 and 21 has been amended, claim 8 has been canceled, claims 22-24 are new, and, thus, in view of the foregoing claims 1-6 and 9-24 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

**CLAIM OBJECTION**

Claims 1-6 and 8-21 stand objected to for informalities. In particular, the Office asserts that language in claims 1 and 21 and that other claims have antecedent basis issues.

The Applicants have amended the claims to overcome the objections. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the objections is respectfully requested.

**REJECTIONS under 35 U.S.C. § 112**

Claims 1-6 and 8-21 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claims contain antecedent basis issues or

indefinite terms. The Applicants have amended the claims to overcome the rejection. Support for the amendment may be found, for example, in ¶ 0058 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

**REJECTIONS under 35 U.S.C. § 103**

Claims 1-6, 9, 10 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Shinzaki, U.S. Patent Publication No. 2003/0005310. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 1 has been amended to recite "wherein the time measuring means are adapted to supply a measurement of time when said electronic entity is not supplied with **electrical power.**" (Emphasis added) Support for the amendment may be found, for example, in cancelled claim 8.

As such the claim has been amended to supply a measurement of time without electrical power.

In contrast, the clock function section of Shinzaki is implemented by a CPU built in IC card 300 (paragraph 146 of Shinzaki) and therefore needs electrical power to be able to supply a measurement of time.

Thus, it is submitted that claim 1 and the claims

dependent therefrom are not obvious over Shinzaki.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being obvious over Shinzaki in view of Kim, U.S. Patent Publication No. 2003/0075609. The Applicants respectfully disagree and traverse the rejection with an argument.

Claim 5 is allowable as being dependent from an allowable base claim as discussed above.

Claims 11-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Shinzaki in view of Horvat, U.S. Patent No. 7,036,018. The Applicants respectfully disagree and traverse the rejection with an argument.

Horvat adds nothing the deficiencies of Shinzaki as applied against the independent claim. Therefore, Shinzaki and Horvat, taken separately or in combination, fail to render obvious the features of claims 11-17.

Claims 1, 2, 4, 5, 8-10 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Shimizu, U.S. Patent Publication No. 2004/00150468. The Applicants respectfully disagree and traverse the rejection with an argument.

The Applicants submit herewith a verified English translation of French Patent Application 0216378 filed December 20, 2002, thus perfecting priority and setting the perfected filing date for the present Application to December 20, 2002.

Shimizu, was filed November 25, 2003, a date after the perfected filing date of the present Application. Therefore,

Shimizu is not prior art as to the present Application.

Claims 11-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Shimizu in view of Horvat. The Applicants respectfully disagree and traverse the rejection with an argument.

Shimizu, was filed November 25, 2003, a date after the perfected filing date of the present Application. Therefore, Shimizu is not prior art as to the present Application.

Claims 1, 2, 4, 5 and 8-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Horvath. The Applicants respectfully disagree and traverse the rejection with an argument.

However, nowhere in Horvath is it taught that a time can be certified, let alone the production of data certifying a given time. Horvath does not aim to certify a time and cannot therefore be suggestive of the claimed invention.

As such, Horvath fails to disclose "said secure electronic entity containing means for measuring time and comprising means for certifying a date of receipt of a command from said host station, wherein said certification means receives from said time measuring means information on elapsed time and produces data certifying said date intended for an external entity in reference to said information on elapsed time," as in amended claim 1.

For at least the reasons discussed above, Horvath fails

to render obvious the features of claim 1 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### **NEW CLAIMS**

Claims 22-24 are new. Support for claims 22-24 may be found, for example, in claims 11, 12 and 16. The Applicants submit that no new matter is believed to have been added by the addition of the claims. The Applicants submit that the prior art of record fails to disclose a time measuring cell carrying a charge representative of an elapsed time; means for determining a current time as a function of the charge and a reference time; and certification means producing data certifying an item of data relative to said current time; or wherein said reference time is stored in a memory of the electronic entity; or wherein said time measuring cell is adapted to carry said charge when the electronic entity is not supplied with electrical power.

#### **SUMMARY**

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1-6 and 9-24 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the fee of \$52.00 for the extra dependent claim added in which the fee is being paid online simultaneously herewith by credit card

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- ☒ - a verified English translation of foreign priority document